

were ordered, and being taken, were as follows:

*Affirmative*—Messrs. Chapman, Pres't, Morgan, Ricaud, Wells, Randall, Kent, Sellman, Howard, Buchanan, Bell, Chandler, Ridgely, Lloyd, Sherwood, of Talbot, John Dennis, Jas. U. Dennis, Williams, Hodson, Chambers, of Cecil, Miller, Grason, George, Fooks, Jacobs, Thomas, Johnson, Gaither, Biser, Annan, Sappington, Magraw, Thawley, Neill, Harbine, Michael Newcomer, Davis, Waters, Holliday, Parke, and Brown—40.

*Negative*—Messrs. Lee, Chambers, of Kent, Mitchell, Donaldson, Brent, of Charles, Jenifer, Welch, Dashiell, Eccleston, Phelps, McCullough, McLane, Bowie, McCubbin, Spencer, Wright, Dirickson, McMaster, McHenry, Sherwood, of Baltimore city, Ware, Schley, Fiery, John Newcomer, Brewer, Anderson, Weber, Slicer, Fitzpatrick, and Shower—30.

So the Convention reconsidered their vote on said amendment.

The question then recurred on the original motion to strike out "three judges," and insert "one judge."

Mr. RIDGELY asked a division of the motion, so that the question should be first taken on the motion to strike out.

Mr. CHAMBERS moved to amend the proposition before the Convention, by adding thereto the following: "The Register of Wills shall have power to perform and execute such duties as are now performed by the orphans' courts, and for that purpose issue process for parties or witnesses, according to the practice of said courts, and any person who may be interested may appeal from the decision of the Register, to the judge of the orphans' court, whose decision shall be final and conclusive between the parties to said appeal; but the persons interested may, by an agreement to be previously filed in the office of the Register of Wills, take an appeal to the Court of Appeals instead of the judge of the orphans' court. In any contested case, occurring in said court, the parties may by consent submit the decision of the cause, in the first instance, to the judge instead of the register, and in such case the said judge shall have original jurisdiction over the same, and an appeal may be taken from his decision to the Court of Appeals."

The question was then stated to be on the motion to strike out "three judges," a division of the question having been asked.

Mr. BOWIE asked that the question be taken by yeas and nays, which were ordered, and being taken, were as follows;

*Affirmative*—Messrs. Chapman, president, Ricaud, Lee, Chambers of Kent, Mitchell, Donaldson, Brent of Charles, Jenifer, Welch, Crisfield, Dashiell, Hodson, Eccleston, Phelps, McCullough, McLane, Bowie, Sprigg, McCubbin, Spencer, Wright, Dirickson, McMaster, Hearn, Fooks, McHenry, Sherwood of Baltimore city, Schley, John Newcomer, Brewer, Anderson, Weber, Slicer, and Fitzpatrick—34.

*Negative*—Messrs. Morgan, Randall, Kent, Sellman, Howard, Buchanan, Bell, Chandler,

Ridgely, Lloyd, Sherwood of Talbot, John Dennis, James U. Dennis, Williams, Chambers of Cecil, Miller, Grason, George, Jacobs, Thomas, Johnson, Gaither, Biser, Annan, Sappington, Magraw, Thawley, Gwinn, Fiery, Neill, Harbine, Michael Newcomer, Davis, Waters, Holliday, Parks, Shower, and Brown—38.

So the Convention refused to strike out.

The question then recurred upon the adoption of the article as the 10th section of the report.

Mr. BOWIE moved that the question be taken by yeas and nays, which, being ordered, appeared as follows:

*Affirmative*—Messrs. Morgan, Ricaud, Sellman, Howard, Bell, Chandler, Ridgely, Lloyd, Sherwood, of Talbot, Eccleston, Phelps, Chambers, of Cecil, Miller, Grason, George, Jacobs, Thomas, Johnson, Gaither, Biser, Annan, Sappington, Magraw, Thawley, Gwinn, Sherwood, of Baltimore city, Schley, Fiery, Neill, Harbine, Michael Newcomer, Davis, Waters, Holliday, Parke, Shower and Brown—37.

*Negative*—Messrs. Chapman, President, Lee, Chambers, of Kent, Mitchell, Donaldson, Wells, Randall, Kent, Brent, of Charles, Jenifer Buchanan, Welch, John Dennis, James U. Dennis, Crisfield, Dashiell, Williams, Hodson, McCullough, McLane, Bowie, Sprigg, McCubbin, Spencer, Wright, Dirickson, McMaster, Hearn, Fooks, McHenry, Nelson, John Newcomer, Brewer, Anderson, Weber, Slicer and Fitzpatrick—37.

So the article was not adopted.

Mr. BROWN gave notice that he would on Monday introduce an order to prevent gentlemen from looking at the list.

Mr. CHAMBERS, of Kent. I rise to make a motion to test the views which regulate the votes given upon this question. If the decision of the house is to adopt a system by which the Register of Wills is to be a judge of the Orphans' Courts, in all respects, except as to questions of law which should be decided by the circuit judge, then, by Monday morning, with the aid of the gentleman from Somerset, (Mr. Crisfield,) I will endeavor to prepare for the action of the Convention such a scheme. With a view to ascertain if such be the will of the Convention, I now move that we adjourn.

Mr. SPENCER. Will the gentleman withdraw that amendment for a moment, that I may offer some amendments to be entered upon the journal. I do not wish to discuss them to-day, unless the Convention should refuse to adjourn, in which case I should wish to avail myself of the privilege, under the rule, of ten minutes' explanation.

Mr. CHAMBERS withdrew the motion to adjourn.

Mr. SPENCER offered the following amendments, which he desired to be entered upon the journal:—

Sec. 11. No testimony on the equity side of the county courts, shall be taken under a commission, when it is within the reach of the process of said courts, but the same proceedings shall in all respects be had in taking testimony as is now had on the law side of said courts.

Sec. 12. Provision shall be made by the Legis-